

## Message Text

CONFIDENTIAL

PAGE 01 OTTAWA 00056 01 OF 03 070300Z  
ACTION EUR-12

INFO OCT-01 ISO-00 ACDA-07 AGRE-00 AID-05 CEA-01 CEQ-01  
CG-00 CIAE-00 CIEP-01 COME-00 DLOS-06 DODE-00 DOTE-00  
EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-01 INR-07  
INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01  
OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 SAL-01  
NSCE-00 SSO-00 USIE-00 INRE-00 FEA-01 /115 W  
-----070404Z 098704 /70

O 070144Z JAN 77

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC IMMEDIATE 2065

C O N F I D E N T I A L SECTION 1 OF 3 OTTAWA 0056

E.O. 11652: GDS

TAGS: SENV, PBOR, EFIS, CA

SUBJECT: GULF OF MAINE

REF: A. STATE 1290, B. 76 OTTAWA 4789

1. SUMMARY: IN WARM-UP MEETING WITH EXTAFF UNDER SECRETARY ROBINSON, CANADIANS CONFIRMED OUR READING OF THE OCTOBER 15 KISSINGER/JAMIESON MEETING ON THE GULF OF MAINE, AS WELL AS OUR SUSPICIONS THAT OTTAWA BUREAUCRATS HAVE BEEN TRYING TO UNWIND IT. SOME IMPRECISION ON LINKAGES IN US APPROACH BETWEEN BOUNDARY, LONG-TERM FISHERIES AND INTERIM FISHERIES AGREEMENTS MAY HAVE CONTRIBUTED. MY CONCLUSION IS THAT WE SHOULD MOVE FAST TO CLARIFY THE LINKAGES WITH EXTAFF MINISTER JAMIESON AT THE MEETING HE AND I WILL HAVE THIS WEEKEND, AND MESSAGE CONSTAINS RECOMMENDATIONS ON HOW TO DO SO. ROBINSON WELCOMED OUR APPROACH AS "POSITIVE AND LAYING TO REST MANY OF CANADIAN FEARS." END SUMMARY.

2. REACHED BY TELEPHONE IN NEWFOUNDLAND, FOREIGN MINISTER JAMIESON AGREED TO MEET ME THIS WEEKEND IN CONFIDENTIAL

CONFIDENTIAL

PAGE 02 OTTAWA 00056 01 OF 03 070300Z

OTTAWA. MEANWHILE HE ASKED THAT I GO OVER THE GROUND WITH ROBINSON, WHICH I DID TODAY, JANUARY 6. LEGAL ADVISOR COPITHORNE AND JIM NUTT (DIRECTOR GENERAL FOR WESTERN HEMISPHERE) WERE ALSO PRESENT.

3. TO SET THE STAGE, I REVIEWED OUR INTERPRETATION OF

OCTOBER 15 KISSINGER/JAMIESON MEETING. IN US VIEW, I SAID, CONCLUSION OF THE MEETING WAS THAT:

(A) CANADA WOULD NOT EXCLUDE CONSIDERATION OF A BOUNDARY LINE BETWEEN THE LINES CLAIMED BY THE TWO COUNTRIES;

(B) UNITED STATES WOULD NOT EXCLUDE PERMANENT FISHERIES ARRANGEMENTS EXTENDING ON BOTH SIDES BEYOND THE ZONE OF OVERLAPPING CLAIMS;

(C) COOPERATIVE ARRANGEMENTS ON HYDROCARBONS SIMILARLY EXTENDING BEYOND THE ZONE OF OVERLAPPING CLAIMS WOULD ALSO BE WORKED OUT; AND

(D) AN INTERIM FISHERIES ARRANGEMENT INCLUDING PROCEDURES FOR DEALING WITH THIRD PARTIES WOULD BE WORKED OUT.

WE WERE VERY CLEAR THAT THE CANADIAN POSITION WAS THAT THE PERMANENT RECIPROCAL FISHERIES ARRANGEMENT MUST INCLUDE "JOINT MANAGEMENT", AND RECOGNIZE THAT WE WOULD HAVE TO RESPOND TO THAT CANADIAN POSITION, BUT HAD NOT ACCEPTED THAT FORMULATION AS OUR OWN AT THE MEETING. MOREOVER, KISSINGER/JAMIESON MEETING HAD NOT REPEAT NOT CHARACTERIZED INTERIM FISHERIES AGREEMENT NOR ITS RELATIONSHIP TO PERMANENT FISHERIES AGREEMENT.

4. ROBINSON SAID THAT CANADA AGREED WITH THIS INTERPRETATION. CONFIDENTIAL

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PAGE 03 OTTAWA 00056 01 OF 03 070300Z

TION.

5. TROUBLE, I THEN POINTED OUT, HAD FIRST APPEARED IN FISHERIES MEETINGS OCTOBER 19 AND NOVEMBER 3. CANADA HAD INSISTED THAT INTERIM AGREEMENT SHOULD INCLUDE PROVISION FOR "JOINT MANAGEMENT", CLAIMING THIS RESULTED FROM KISSINGER/JAMIESON MEETING, AND HAD GONE STEP FURTHER BY DEMANDING JOINT SURVEILLANCE. LATTER HAD NOT BEEN MENTIONED IN KISSINGER/JAMIESON MEETINGS. US SIDE WAS UNABLE TO SEE WHY THESE ELEMENTS WERE NECESSARY FOR A ONE-YEAR AGREEMENT, AND HAD RECEIVED NO SATISFACTORY EXPLANATION FROM CANADIANS. AS RESULT, US NEGOTIATORS HAD FEARED THAT CANADA WISHED TO INCLUDE THEM IN ORDER TO BACK UP ITS BOUNDARY CLAIM.

6. ROBINSON SAID THIS WAS AN ACCURATE RENDERING, WITH EXCEPTION THAT CANADIANS INITIALLY HAD NOT INTENDED TO BACK UP THEIR BOUNDARY CLAIM BY THE DEMANDS FOR "JOINT MANAGEMENT" AND JOINT SURVEILLANCE, BUT HAD COME TO THE CONCLUSION

IT MIGHT BE NECESSARY TO DO SO GIVEN US UNWILLINGNESS TO CONSIDER THEM DESPITE THE KISSINGER/JAMIESON DISCUSSIONS. CANADA, ROBINSON SAID, HAD NOT SEEN THE OCTOBER 19 AND NOVEMBER 3 TALKS AS DEVOTED LARGELY TO THE INTERIM RATHER THAN LONG-TERM ARRANGEMENT, BUT TENDED TO SEE THE INTERIM AND LONG-TERM ARRANGEMENTS AS A CONTINUUM. IT WAS NECESSARY FOR THE FORMER TO SET STAGE FOR LATTER.

7. THREE SUBSEQUENT DEVELOPMENTS, I SAID, HAD TENDED TO CONFIRM US MISGIVINGS:

(A) JAMIESON'S FAILURE TO RESPOND TO KISSINGER'S NOVEMBER 12 LETTER DIRECTLY, COUPLED WITH THE PROPOSAL OF AN INTERIM FORBEARANCE REGIME THAT COULD IF ADOPTED BECOME PERMANENT;

(B) THE UNWILLINGNESS OF CANADIAN LEGAL AUTHORITIES TO CONFIDENTIAL

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PAGE 04 OTTAWA 00056 01 OF 03 070300Z

DISCUSS BOUNDARY ISSUES DESPITE REPEATED CALLS BY LEGAL ADVISOR LEIGH AND THE DECEMBER 9 DISCUSSIONS BETWEEN KISSINGER AND JAMIESON; AND

(C) THE CLAUSE IN THE DECEMBER 23 CANADIAN NOTE

CONFIDENTIAL

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PAGE 01 OTTAWA 00056 02 OF 03 070331Z  
ACTION EUR-12

INFO OCT-01 ISO-00 ACDA-07 AGRE-00 AID-05 CEA-01 CEQ-01  
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FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC IMMEDIATE 2066

C O N F I D E N T I A L SECTION 2 OF 3 OTTAWA 0056

(SECSTATE 310498, PARA 6) RESERVING THE CANADIAN POSITION WITH RESPECT TO AREAS SOUTH OF THE EQUIDISTANCE LINE.

8. ROBINSON REPLIED THAT THE US REQUESTS FOR DISCUSSIONS HAD BEEN IN THE TERMS OF THE BOUNDARY ISSUE ONLY. SINCE THE UNITED STATES HAD APPARENTLY NOT BEEN PREPARED TO FOLLOW THROUGH ON THE DISCUSSION OF "JOINT MANAGEMENT" AT THE OCTOBER 15 MEETING, HE HAD NOT EMPOWERED OFFICIALS TO DISCUSS THE BOUNDARY. ROBINSON ADDED THAT JAMIESON'S STATEMENT DECEMBER 9 AGREEING TO DISCUSSIONS ON THE BOUNDARY LINE WAS INTENDED TO REFER TO THE DELIMINATION OF THE AREA TO BE COVERED BY THE INTERIM REGIME, NOT THE FRONTIER. (THIS LATTER STATEMENT WAS ASTONISHING AND I TOLD ROBINSON SO.)

9. ROBINSON ASKED WHETHER WE ACCEPTED THAT A PERMANENT REGIME IN THE GULF OF MAINE WOULD INEVITABLY HAVE TO CONTAIN JOINT ARRANGEMENTS FOR FISHERIES AND HYDROCARBONS GOING BEYOND THE ZONE OF OVERLAPPING CLAIMS. I REPLIED THAT SINCE THE KISSINGER/JAMIESON MEETING WE HAD ACCEPTED AS A BASIS FOR PROCEEDING THAT CANADA WOULD WISH TO LINK

CONFIDENTIAL

PAGE 02 OTTAWA 00056 02 OF 03 070331Z

THEM AND THUS THAT THEY ALL HAD TO BE ADDRESSED. ON THE OTHER HAND, SINCE THERE HAD BEEN NO MENTION OF JOINT SURVEILLANCE IN THE KISSINGER/JAMIESON MEETING, AND SINCE THAT WOULD APPEAR TO RAISE ISSUES OF SOVEREIGNTY, I DID NOT KNOW WHETHER THE U.S. WOULD BE PREPARED TO ADDRESS IT.

10. I NOTED THAT DISCUSSIONS HAD ALREADY OCCURRED ON HYDROCARBONS AND THE BOUNDARY. IT WAS OUR CLEAR INTENTION (AS KISSINGER HAD STATED IN HIS NOVEMBER 12 LETTER) THAT THERE SHOULD BE DISCUSSIONS OF LONG-TERM FISHERIES ARRANGEMENT. I NOTED THAT IT WAS POSSIBLE THAT BOTH SIDES HAD BEEN IMPRECISE ON THE VENUE AND TIMING OF THESE LONG-TERM DISCUSSIONS AND THEIR RELATIONSHIP TO EACH OTHER AND I WOULD SEEK INSTRUCTIONS ON THE POINT PRIOR TO MEETING WITH JAMIESON. ROBINSON SAID THAT CANADIAN SIDE HADN'T THOUGHT IT THROUGH AND WOULD ALSO DO SO PRIOR TO THE WEEKEND.

11. FINALLY, I ASKED ROBINSON TWO QUESTIONS:

(A) SINCE WE HAD HAD (FOR WHATEVER REASON) SUCH DIFFICULTY IN CONTINUING DISCUSSIONS ON THE BOUNDARY, AND SINCE CANADIANS HAD TAKEN A POSITION AGAINST ADJUDICATION, HOW WOULD WE EVER SUCCEED IN SETTLING THE ISSUE? AND IF

WE DID NOT, WOULD THERE NOT BE AN ONGOING POTENTIAL FOR INCIDENTS? ROBINSON REPLIED THAT HE RECOGNIZED THE POTENTIAL FOR INCIDENTS AND COULD NOT AT THIS POINT ANSWER HOW THE ISSUE COULD BE SETTLED. JAMIESON WOULD BE PREPARED TO ADDRESS THAT QUESTION.

(B) WHAT WOULD THE CANADIAN REACTION BE TO AN INTERIM REGIME BASED ON THE DECEMBER 30 U.S. NOTE (SECSTATE 313675), TO WHICH AN INTERIM FISHERIES ACCESS AGREEMENT HAD BEEN JOINED?  
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 OTTAWA 00056 02 OF 03 070331Z

I REMARKED THAT I HAD NO INSTRUCTIONS TO RAISE THE QUESTION BUT, IN THE ABSENCE OF MOVEMENT ON THE BOUNDARY, THIS WOULD BE ONE POSSIBLE OUTCOME. ROBINSON REPLIED THAT SUCH AN OUTCOME WOULD BE DISTINCTLY INFERIOR FROM CANADA'S VIEWPOINT - "NOT UP TO OUR TRADITION OF COOPERATION IN THE FISHERIES FIELD." IF THAT WERE SO, I POINTED OUT, TIME MIGHT NOT BE WORKING ON CANADA'S SIDE.

12. COMMENT: NONE OF THE REACTION ROBINSON GAVE ME TODAY IS INCONSISTENT WITH MY EARLIER THEORY THAT CANADIAN BUREAUCRATS HAVE BEEN SYSTEMATICALLY ATTEMPTING TO UNDO THE KISSINGER/JAMIESON MEETING, AND PUSH MAXIMUM CANADIAN DEMANDS. THE AMAZING INTERPRETATION OF THE KISSINGER/JAMIESON CONVERSATION DECEMBER 9, THE RESERVATION OF RIGHTS BEYOND THE EQUIDISTANCE LINE, THE REFUSAL TO DISCUSS BOUNDARIES, AND THE INTRODUCTION OF JOINT SURVEILLANCE ALL WORK IN THAT DIRECTION.

13. HOWEVER, SOME IMPRECISION ON OUR PART AS TO THE NATURE OF THE LINKAGES MAY HAVE HELPED THE WRECKING OPERATION GET UNDERWAY. IN PARTICULAR, WE MAY NOT HAVE STATED AS CLEARLY AS WE COULD THE TIMING AND RELATIONSHIP OF DISCUSSIONS ON THE PERMANENT FISHERIES ARRANGEMENT TO THE OTHER DISCUSSIONS.

14. CANADIANS PROBABLY ALSO BELIEVE THAT INTERNAL PRESSURES IN THE U.S. MAY LEAD TO INTERIM AND PERMANENT FISHERIES ARRANGEMENTS INDEPENDENT OF THE BOUNDARY SETTLEMENT, IF CANADA CAN HOLD OUT LONG ENOUGH. THEY ALSO MAY CALCULATE THAT THE NEW AMERICAN ADMINISTRATION WILL WISH TO AVOID ANY UNPLEASANTNESS WITH CANADA IN ITS EARLY MONTHS, AND BE PREPARED TO MAKE CONCESSIONS TO THAT END.

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 OTTAWA 00056 02 OF 03 070331Z

15. WHATEVER THE EXPLANATION, THE UNDERLYING FACT REMAINS THAT CANADA IS THE DEMANDEUR, FOR IT IS THEY WHO ARE TRYING TO GET A POSITION ON GEORGE'S BANK RECOGNIZED PERMANENTLY, AND IT IS THEY WHO WOULD SUFFER MOST (BY PROBABLE EXCLUSION) IF THERE WERE FISHERIES INCIDENTS IN THE GULF O MAINE. IT IS IMPORTANT TO BE SURE THAT

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PAGE 01 OTTAWA 00056 03 OF 03 070336Z

ACTION EUR-12

INFO OCT-01 ISO-00 ACDA-07 AGRE-00 AID-05 CEA-01 CEQ-01  
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NSCE-00 SSO-00 USIE-00 INRE-00 FEA-01 /115 W  
-----070407Z 098934 /70

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TO SECSTATE WASHDC IMMEDIATE 2067

C O N F I D E N T I A L SECTION 3 OF 3 OTTAWA 0056

JAMIESON UNDERSTANDS THAT UNDERLYING RELATIONSHIP, AND I WILL ATTEMPT TO SEE THAT HE DOES THIS WEEKEND WITHOUT BEING IN ANY WAY THREATENING.

16. ACTION REQUESTED. WHAT IS NEEDED NOW, IN MY JUDGMENT, ARE TWO THINGS:

(A) AUTHORIZATION FOR ME TO CONFIRM TO JAMIESON THAT THE U.S. IS PREPARED TO PROCEED, FOR NEGOTIATING PURPOSES, TOWARDS A PERMANENT REGIME FOR THE GULF OF MAINE TO INCLUDE SEPARATE AGREEMENTS ON A BOUNDARY SETTLEMENT, ON A LONG-TERM RECIPROCAL FISHERIES ARRANGEMENT, AND ON A SIMILAR HYDROCARBONS ARRANGEMENT. IN ORDER TO MAKE THIS STATEMENT PLAUSIBLE, I SHOULD BE AUTHORIZED TO STATE

THAT WE ARE PREPARED TO HAVE THE LONG-TERM  
FISHERIES ARRANGEMENT DISCUSSIONS BEGIN  
IMMEDIATELY ON COMPLETION OF THE INTERIM  
ARRANGEMENTS, AND THAT WE WOULD NOT ENVISAGE  
THAT EITHER THE BOUNDARY OR LONG-TERM  
FISHERIES ARRANGEMENT (OR INDEED A RECIPROCAL  
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PAGE 02 OTTAWA 00056 03 OF 03 070336Z

HYDROCARBONS REGIME) BE MADE FINAL UNTIL BOTH  
SIDES HAD HAD AN OPPORTUNITY TO LOOK AT THE  
OTHER NEGOTIATION. (SINCE THE CANADIANS ARE  
ALREADY HOLDING THE BOUNDARY HOSTAGE TO  
FISHERIES, WE HAVE NO ALTERNATIVE TO DOING  
THE REVERSE, BUT WE SHOULD BE CAREFUL TO LINK  
ONLY THE LONG-TERM FISHERIES ISSUE, NOT THE  
INTERIM.)

(B) WE SHOULD REITERATE, IN FORCEFUL TERMS, THAT  
THE INTERIM FISHERIES ARRANGEMENT CAN DEAL  
ONLY WITH RECIPROCAL ACCESS, NOT WITH "JOINT  
MANAGEMENT" OR JOINT SURVEILLANCE. BUT THE  
U.S. RECOGNIZES THAT CANADIANS WILL PRESS  
FORMER IN LONG-TERM NEGOTIATIONS AND THAT  
WE WILL HAVE PROPOSALS TO MAKE IN RESPONSE  
TO THE CANADIAN INTEREST.

17. IF, HAVING TAKEN THIS POSITION, THE CANADIANS DO  
NOT RESPOND, THEN WE SHOULD BE PREPARED TO WAIT THEM OUT.  
THE HEAT WILL BE MORE STRONGLY ON THEM THAN ON US.  
ENDERS

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## Message Attributes

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**Disposition Event:**  
**Disposition History:** n/a  
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**Enclosure:** n/a  
**Executive Order:** GS  
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**Previous Handling Restrictions:** n/a  
**Reference:** 77 STATE 1290, 76 OTTAWA 4789  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
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**Review Date:** 20-Dec-2004 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
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**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009